



SCP/RCF  
#307

MS 16  
PATENT  
2962-0120P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Margaret BYWATER et al. Conf.: 1463  
Appl. No.: 08/776,044 Group: 1642  
Filed: February 26, 1997 Examiner: M. YU  
For: SEQUENCE-BASED MUTATION ANALYSIS OF NEOPLASTIC TISSUE  
Patent No.: FOR DIAGNOSIS OR PROGNOSIS OF THE NEOPLASIA  
Control No.: Issued:

ATTN: REFUND SECTION  
ACCOUNTING DIVISION  
OFFICE OF FINANCE

MS 16

Director of the U.S. Patent  
and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

JAN 10 2005

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to above-identified application.  
The fee was paid on November 23, 2004, by check number 90318217.



A copy of the monthly statement in which the error referred to occurs,  
accompanies this request.

BEST AVAILABLE COPY

## II. FEES CHARGED FOR WHICH REFUND REQUESTED

	<u>AMOUNT OF REFUND REQUESTED</u>
<input type="checkbox"/> filing fee	
<input type="checkbox"/> surcharge for filing the basic filing on a date later than the filing date of the application (37 C.F.R. § 1.16(e)) and/or	
<input type="checkbox"/> surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	
<input checked="" type="checkbox"/> extension of term	
<input checked="" type="checkbox"/> first month	<u>110.00</u>
<input type="checkbox"/> second month	
<input type="checkbox"/> third month	
<input type="checkbox"/> fourth month	
<input type="checkbox"/> excess claims	
<input type="checkbox"/> issue fee	
<input type="checkbox"/> petition fee	
<input type="checkbox"/> patent maintenance fee	
<input type="checkbox"/> first maintenance fee	
<input type="checkbox"/> second maintenance fee	
<input type="checkbox"/> third maintenance fee	
<input type="checkbox"/> patent maintenance fee surcharge	
<input type="checkbox"/> Other: _____	
TOTAL REFUND REQUESTED	<u>110.00</u>

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

No extension fee was due, because a Notice of Appeal was filed on September 23, 2004, and the due date for an Appeal Brief, or other filing, would be November 23, 2004.

IV. MANNER OF REFUND

Please make refund by crediting Account No. 02-2448.

We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

  
By \_\_\_\_\_  
Gerald M. Murphy, Jr. #28, 977

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

GMM/KLR:gmh  
2962-0120P

Attachment(s)

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REG/164C  
JW

MS RCE  
PATENT  
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Appl. No.: 08/776,044 ✓ Group: 1642  
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For: SEQUENCE-BASED MUTATION ANALYSIS OF  
NEOPLASTIC TISSUE FOR DIAGNOSIS OR  
PROGNOSIS OF THE NEOPLASIA

REQUEST FOR CONTINUED EXAMINATION  
UNDER 37 C.F.R. § 1.114

MS RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

November 23, 2004

Sir:

This is a "Request for Continued Examination" under 37 C.F.R. § 1.114, the provisions of which do not apply to:

(1) A provisional application; (2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) An international application filed under 35 U.S.C. §363 before June 8, 1995; (4) An application for a design patent; or (5) A patent under reexamination.

Submission of an RCE is limited to an application in which prosecution is closed; e.g. final rejection, Ex Parte Quayle; or notice of allowability

This Request for Continued Examination is being filed prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted; (2) Abandonment of the application; or (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. § 141, or the commencement of civil action under 35 U.S.C. §§ 145 or 146, unless the appeal or civil action is terminated.

The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

1/24/2004 EABUBAK1 00000015 08776044

11 FC:1801  
12 FC:1251

790.00 OP  
110.00 OP

Repln. Ref: 02/24/2005 SDIRETA1 0011441200  
DAH:022448 Name/Number:08776044  
FC: 9204 \$110.00 CR

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date: 02/24/2005 08776044 -10.00 OP  
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11/24/2004  
02 FC:1251